

Montana's Regulations: On-Site Wastewater Treatment Systems

MONTANA WATER QUALITY ACT:

Requires rules for minimum on-site wastewater treatment system standards be established by the Board of Environmental Review

MCA 75-5-305 - Adoption of requirements for treatment of wastes - variance procedure- appeals.

- (2)(a) The board shall establish minimum requirements for the control and disposal of sewage from private and public buildings, including standards and procedures for variances from the requirements.
- (3) An applicant for a variance from minimum requirements adopted by a local board of health pursuant to [50-2-116](#) may appeal the local board of health's final decision to the department by submitting a written request for a hearing within 30 days after the decision. The written request must describe the activity for which the variance is requested, include copies of all documents submitted to the local board of health in support of the variance, and specify the reasons for the appeal of the local board of health's final decision.
- (4) The department shall conduct a hearing on the request pursuant to Title 2, chapter 4, part 6. Within 30 days after the hearing, the department shall grant, conditionally grant, or deny the variance. The department shall base its decision on the board's standards for a variance.
- (5) A decision of the department pursuant to subsection (4) is appealable to district court under the provisions of Title 2, chapter 4, part 7.

RULES ADOPTED UNDER THE MONTANA WATER QUALITY ACT:

ARM 17.36.911 Subsurface Wastewater Treatment Systems

- (1) These rules are intended to protect the public health, safety, and welfare by setting forth minimum standards for the construction, alteration, repair, extension, and use of wastewater treatment systems within the state.
- (2) Under [50-2-116](#), MCA, local boards of health must adopt regulations no less stringent than this subchapter 9 for wastewater treatment systems for private and public buildings and facilities.

Circular DEQ4 – Mt Standards for Subsurface Wastewater Treatment Systems

Technical standards for on-site wastewater treatment system design

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MONTANA PUBLIC HEALTH LAW:

Requires Local Boards of Health adopt and administer regulations for on-site wastewater treatment systems

MCA 50-2-116 - Powers and duties of local boards of health

- (1) In order to carry out the purposes of the public health system, in collaboration with federal, state, and local partners, each local board of health shall:
 - (f) identify, assess, prevent, and ameliorate conditions of public health importance through:
 - (i) abatement of public health nuisances;
 - (vi) inspections;
 - (vii) collecting and maintaining health information;
 - (ix) other public health measures as allowed by law;
 - (g) protect the public from the introduction and spread of communicable disease or other conditions of public health importance, including through actions to ensure the removal of filth or other contaminants that might cause disease or adversely affect public health;
 - (h) supervise or make inspections for conditions of public health importance and issue written orders for compliance or for correction, destruction, or removal of the conditions;
 - (i) bring and pursue actions and issue orders necessary to abate, restrain, or prosecute the violation of public health laws, rules, and local regulations;
 - (k) subject to the provisions of [50-2-130](#), adopt necessary regulations that are not less stringent than state standards for the control and disposal of sewage from private and public buildings and facilities that are not regulated by Title 75, chapter 6, or Title 76, chapter 4. The regulations must describe standards for granting variances from the minimum requirements that are identical to standards promulgated by the board of

environmental review and must provide for appeal of variance decisions to the department as required by [75-5-305](#).

- (2) Local boards of health may:
 - (b) adopt necessary fees to administer regulations for the control and disposal of sewage from private and public buildings and facilities;
 - (c) adopt regulations that do not conflict with rules adopted by the department:
 - ii) for the removal of filth that might cause disease or adversely affect public health;
 - (iii) subject to the provisions of [50-2-130](#), for sanitation in public and private buildings and facilities that affects public health and for the maintenance of sewage treatment systems that do not discharge effluent directly into state water and that are not required to have an operating permit as required by rules adopted under [75-5-401](#);
 - (vi) to implement the public health laws; and
- (3) A local board of health may provide, implement, facilitate, or encourage other public health services and functions as considered reasonable and necessary.

LAKE COUNTY WASTEWATER TREATMENT SYSTEM REGULATIONS

Adopt 17.36.SubChapter 9 Minimum Standards

Adopt Circular DEQ4 – Technical Standards

Adopt other administrative provisions under MCA 50-2-116

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MONTANA WATER QUALITY ACT:

Requires rules be established by the Board of Environmental Review for the non-degradation of state waters by new and increased sources of contamination including on-site wastewater treatment systems

MCA 75-5-303 Montana Water Quality Act - Nondegradation of State Waters

ARM 17.30.701, et seq. Nondegradation Rules for new or increased sources of wastewater

ARM 17.36.913 – Requires local Boards of Health to comply with non-degradation rules

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MONTANA PROFESSIONAL LICENSING LAW - REGISTERED SANITARIAN:

Requires a Registered Sanitarian License to administer wastewater treatment system regulations. Ethics standard requires sanitarian to follow adopted regulations:

MCA 37-40-301. License required. A person may not practice or offer to practice the profession of sanitarian as defined in this chapter or hold out to the public in any manner that the person is a licensed sanitarian unless the person is licensed and registered under the provisions of this chapter.

- (3) "Practice the profession of sanitarian" means:
 - (a) giving advice on or enforcing compliance with state and local regulations applicable to local government jurisdictions and programs concerning food service, food processing, public accommodations, trailer courts, campgrounds, day-care centers, schools, swimming pools and spas, air pollution, solid and hazardous waste collection and disposal, sewage treatment and disposal, vector control, underground storage tanks, drinking water, land subdivision, and milk sanitation;
 - (b) cooperating with government agencies on matters of public and environmental health, including epidemiological investigations and emergency response to investigations; and
 - (c) providing educational and training programs in environmental standards and public health.

ARM 24.216.2301 Unprofessional Conduct

(1) For the purpose of implementing the provisions of [37-1-307](#), MCA, and in addition to the provisions of [37-1-316](#), MCA, the following is defined as unprofessional conduct:

- (b) failure to uphold Montana laws, rules and regulations pertaining to environmental and public health.